

## **The new proposed text of the rule for the Mississippi Library Commission.**

### State Aid Programs

103.01

#### 3. Eligibility

In order to be deemed eligible to participate in the Personnel Incentive Grants Program, an accredited public library system must have maintained effort for local income; the total operating income for the library system from public funds (city and/or county) shall not fall more than 2% below that received in the second preceding year. The accredited public library system must also meet and maintain compliance with the service measures of the Mississippi Public Library System Accreditation Program adopted by the Board. The service measures address with (8) areas of public library management and operations affecting access to quality library services – Governance; Administration; Funding; Staffing; Collections; Services; Patrons and Community; and Access. These service measures are based on the following principles:

- a. A tiered series of service measures with Level A being the basic level.
- b. Each public library system to submit a report each year on achievement of the service measures.
- c. A review of, and modify as needed, service measures every three (3) years.

The level of achievement of service measures shall be attested to in writing by both the chairman of the library board and the director of the library system and submitted annually to the Library Commission as part of the library system's application/agreement for Personnel Incentive Grants funding.

## **The existing rule with the changes indicated using a strike through and underscore method for the Mississippi Library Commission.**

### State Aid Programs

103.01

#### Personnel Incentive Grants Program

##### 1. Authority

Pursuant to §39-3-107 of the Mississippi Code, the Library Commission is authorized to adopt “rules and regulations relative to the allocation of State aid funds to public library systems.”

##### 2. Purpose

The Legislature provides to the Library Commission an annual appropriation, which includes State funding for support of public library

systems through the Personnel Incentive Grants Program. Personnel Incentive Grants may be used by public library systems for personnel costs only. Personnel costs are defined as base salary and benefits, including federal and State withholding taxes, social security, retirement, worker's compensation, and unemployment insurance. Life insurance and health insurance premiums are ineligible personnel costs for reimbursement under the Personnel Incentive Grants program.

3. Eligibility

~~In order to be deemed eligible to participate in the Personnel Incentive Grants Program, a public library system must meet and maintain compliance with the following accreditation standards:~~

- ~~a. The library system consists of at least one (1) county unit. A county unit system is one which is authorized to and in fact does provide library service county wide.~~
- ~~b. The public library system is legally established.~~
- ~~c. There is only one (1) administrative library board of trustees ("library board") for the system.~~
- ~~d. There is one (1) full time director of the library system. The director has a master's degree in library science from a school accredited by the American Library Association.~~
- ~~e. The library system is supported wholly or in part by public funds.~~
- ~~f. The library system has submitted to the Library Commission a copy of an appropriate audit of financial status for the most recently completed fiscal year.~~
- ~~g. The library system has maintained effort for local income; the total operating income for the library system from public funds (city and/or county) has not fallen more than 2% below that received in the second preceding year.~~
- ~~h. The library system has complied with the terms and conditions of most recently received Personnel Incentive Grant Program grant agreement. The standards shall be attested to in writing by both the chairman of the library board and the director of the library system and submitted annually to the Library Commission as part of the library system's application/agreement for Personnel Incentive Grants funding.~~

In order to be deemed eligible to participate in the Personnel Incentive Grants Program, an accredited public library system must have maintained effort for local income; the total operating income for the library system from public funds (city and/or county) shall not fall more than 2% below that received in the second preceding year. The accredited public library system must also meet and maintain compliance with the service measures of the Mississippi Public Library System Accreditation Program adopted by the Board. The service measures address with (8) areas of public library management and operations affecting access to quality library services – Governance; Administration; Funding; Staffing; Collections; Services; Patrons and Community; and Access. These service measures are based on the following principles:

- a. A tiered series of service measures with Level A being the basic level.
- b. Each public library system to submit a report each year on achievement of the service measures.
- c. A review of, and modify as needed, service measures every three (3) years.

The level of achievement of service measures shall be attested to in writing by both the chairman of the library board and the director of the library system and submitted annually to the Library Commission as part of the library system's application/agreement for Personnel Incentive Grants funding.

4. Process

The Library Commission shall determine a total amount of State funding available for the Personnel Incentive Grants Program and the eligibility of each library system making application for funds. The Board-established formula shall be applied to the available funding to determine the grant amount for each eligible library system.

5. Waivers

A library system may submit a written request to the Executive Director for consideration of a waiver by the Board in the event the library system is deemed ineligible because of failure to comply with either of the following requirements:

- a. Requirement, Chapter 4, 103.01 (3) a. – Educational Requirements  
The Board may grant a one-year waiver to enable a library system to employ an interim director with at least a bachelor's degree or five years of library experience while an active search is made for a qualified permanent director. The Board may, at its discretion, renew the waiver if the Board determines that the library system is making adequate progress toward hiring a permanent director with the necessary educational qualifications.  
The Board may grant a waiver if a library system director is actively pursuing a master's degree in library science from a school accredited by the American Library Association. The waiver shall remain in effect as long as the Executive Director determines that the conditions of the waiver are being met
- b. Requirement, Chapter 4, 103.01 (3) g. C.1.c.7 – Maintenance of Effort  
The Board may grant a waiver if the library system is able to show just cause for having failed to maintain the required level of local income. The Board will not grant a waiver of the maintenance of effort requirement in any case if the library system has not submitted to the Library Commission a copy of an appropriate audit of financial status for the most recently completed fiscal year.

Waivers of eligibility requirements are not routinely granted by the Board. The decision of the Board regarding a waiver is final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or not supported by substantial evidence.